

Notice of Allowability

Application No.

10/038,319

Examiner

Charles I. Boyer

Applicant(s)

ALTMANN ET AL

Art Unit

1751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to applicants' amendment and response received June 16, 2005.
2. ☒ The allowed claim(s) is/are 1, 3-7, 14 and 15.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☒ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

CHARLES BOYER
PRIMARY EXAMINER



EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with David Upite on June 22, 2005.

The application has been amended as follows:

Cancel claim 1 and insert new claim 1 as follows:

--A process for the domestic treatment of clothes, said process comprising the steps of:

a) obtaining a composition comprising a perfume and from 1×10^{-7} g/g fabric to about 0.3 g/g fabric of an aminosilicone containing a sterically hindered functional group;

b) adding said composition to either a domestic laundry machine or a domestic manual trigger sprayer;

c) contacting said clothes with said composition either in said domestic laundry machine or with said domestic manual trigger sprayer.—

cancel claim 2

Cancel claim 14 and insert new claim 14 as follows:

--An article of manufacture comprising:

Art Unit: 1751

- a) a composition wherein the composition comprises a perfume and from 1×10^{-7} g/g fabric to about 0.3 g/g fabric of an aminosilicone containing a sterically hindered functional group; and
- b) a domestic manual trigger sprayer.

The following is an examiner's statement of reasons for allowance: Applicants have claimed a domestic fabric treatment process according to claim 1 above. The closest prior art of Canivenc et al, US 5,540,952 teaches an industrial textile softening process using a composition comprising a polyorganosiloxane with a sterically hindered functional group (see abstract). The composition of Canivenc, however, is solely directed to an industrial fabric treatment process. In column 9, lines 32-37 of Canivenc it is taught that "In the process according to the present invention, in order to apply the composition comprising the polysiloxane to the fabric to be treated, use is made of the conventional techniques of the textile industry, especially by resorting to the impregnation technique known as padding." The present claims are drawn to a domestic process and contain a positive method step which requires adding the composition to either a domestic laundry machine or a domestic manual trigger sprayer (emphasis added). "Conventional techniques of the textile industry" do not include domestic laundry machines and manual trigger sprayers. It would not have been obvious to one of ordinary skill in the art to use the industrial process of the prior art in the domestic process presently claimed. Accordingly, the present claims are allowable.


Art Unit: 1751

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles I. Boyer whose telephone number is 571 272 1311. The examiner can normally be reached on M-F 9:30 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta can be reached on 571 272 1316. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Charles I Boyer
Primary Examiner
Art Unit 1751